

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

BEAU MCPHAIL

PLAINTIFF

VS.

CASE NO. 4:24-cv-002-DMB-JMV

**HONORABLE STATE COURT
JUDGE PERCY L. LYCHARD**

DEFENDANT

**DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT**

Defendant, Grenada County Chancery Court Judge Percy Lynchard, in his official capacity, files this his Response in Opposition to Plaintiff's Motion for Entry of Default Judgment [Doc. 11], stating as follows:

1. This Court should deny Plaintiff's Motion for two reasons: (1) the Court lacks personal jurisdiction over Chancellor Lynchard because Plaintiff has not properly effected service of process on him; and (2) Plaintiff lacks the capacity to sue because he is a minor child and has failed to pursue his claims through a next friend or guardian.

2. Defendant adopts and incorporates by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the Memorandum in Support of Defendant's Response in Opposition to Plaintiff's Motion for Entry of Default, being filed contemporaneously herewith.

WHEREFORE, PREMISES CONSIDERED, Defendant Chancellor Percy Lynchard respectfully requests that the Court DENY Plaintiff's Motion for Entry of Default Judgment.

THIS the 1st day of May, 2024.

Respectfully submitted,

PERCY L. LYNCHARD, in his official capacity as
Chancellor of the Grenada County Chancery Court,
DEFENDANT

By: LYNN FITCH, ATTORNEY GENERAL
FOR THE STATE OF MISSISSIPPI

By: s/Wilson D. Minor
WILSON D. MINOR (MSB #102663)
Special Assistant Attorney General

WILSON D. MINOR (MSB #102663)
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CERTIFICATE OF SERVICE

I, Wilson D. Minor, Special Assistant Attorney General, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record, and that I have mailed a copy of the foregoing to the following address:

Beau McPhail
143 County Road 380
Calhoun City, MS 38916

THIS the 1st day of May, 2024.

s/Wilson D. Minor
WILSON D. MINOR